



US Army Corps
Of Engineers
Wilmington District

PUBLIC NOTICE

Issue Date: October 4, 2007
Comment Deadline: November 5, 2007
Corps Action ID #: SAW-2007-03170

The Wilmington District, Corps of Engineers (Corps) has received an application from Shotwell Landfill, Inc., seeking Department of the Army authorization to impact 1.09 acres of wetlands, 0.55 acre of an open water pond, permanently impact 467 linear feet of perennial stream channel and temporarily impact an additional 50 linear feet of perennial stream channel associated with the expansion of the existing Shotwell Construction and Demolition (C&D) Landfill in Shotwell, Wake County, North Carolina.

Specific plans and location information are described below and shown on the attached plans. This Public Notice and all attached plans are also available on the Wilmington District Web Site at www.saw.usace.army.mil/wetlands

Applicant: Shotwell Landfill, Inc.
Attn: Mr. David King
Post Office Box 576
Garner, NC 27529

AGENT: Carolina Ecosystems, Inc.
Attn: Mr. Phil May
8208 Brian Court
Garner, NC 27529

Authority

The Corps will evaluate this application and decide whether to issue, conditionally issue, or deny the proposed work pursuant to applicable procedures of Section 404 of the Clean Water Act.

Location

The project consists of expanding the existing landfill on Shotwell Road, in Wake County, North Carolina (35.7230 N, -78.4399 W). The property contains tributaries to Marks Creek, which flows into the Neuse River.

Existing Site Conditions

The site consists of two parcels containing the operational C&D landfill, two inactive Land Clearing and Inert Debris (LCID) landfill cells, previously timbered mixed hardwood forest, and an active agricultural field. Several wetlands and tributaries exist on the property. Two ponds are on the site with intermittent tributaries originating below the dams. These streams quickly transition to a perennial channel on the northern tract and beaver impounded wetland on the southern tract. Both streams are tributaries of a larger second order perennial stream, an unnamed tributary of Marks Creek, running generally north to south along the western boundary of the site. Adjacent jurisdictional wetlands are associated with all these tributaries.

Applicant's Stated Purpose

The project purpose is to increase the capacity of the Shotwell Landfill facility by up to 64 years and over 10.2 million cubic yards of capacity. This would provide C&D debris capacity for the growth and development currently occurring and planned for Wake and Johnston Counties. The site could also potentially provide Wake County with disposal and temporary storage for hurricane debris or other emergencies.

Project Description

The expansion would involve adding landfill cells to the north of the existing landfill. The initial expansion would permanently impact 0.55 acre of an open water pond, 467 linear feet of perennial stream, and 1.09 acres of wetlands associated with a beaver impounded stream and wetland system that bisects the expansion area. Initial activity would involve land clearing and grubbing, along with the installation of erosion control measures, including silt fencing, check dams, and silt basins approved by the NC Division of Land Resources. Unsuitable material would be removed and backfilled with subgrade material, consisting of impermeable clays. If required due to seepage of surface waters, gravel would be used as fill, wrapped in filter geomembrane, to serve as an underdrain. The subgrade material would then be placed above the underdrain, and filled to the required 4-foot separation from ground water. A temporary road crossing for accessing borrow material would impact an additional 50 linear feet of perennial stream channel on the western side of the property.

Other Required Authorizations

This notice and all applicable application materials are being forwarded to the appropriate State agencies for review. The Corps will generally not make a final permit decision until the North Carolina Division of Water Quality (NCDWQ) issues, denies, or waives State certification required by Section 401 of the Clean Water Act (PL 92-500). The receipt of the application and this public notice in the NCDWQ Central Office in Raleigh serves as application to the NCDWQ for certification. A waiver will be deemed to occur if the NCDWQ fails to act on this request for certification within sixty days of the date of

the receipt of this notice in the NCDWQ Central Office. Additional information regarding the Clean Water Act certification may be reviewed at the NCDWQ Central Office, 401 Oversight and Express Permits Unit, 2321 Crabtree Boulevard, Raleigh, North Carolina 27604-2260. All persons desiring to make comments regarding the application for certification under Section 401 of the Clean Water Act should do so in writing delivered to the North Carolina Division of Water Quality (NCDWQ), 1650 Mail Service Center, Raleigh, North Carolina 27699-1650 Attention: Ms Cyndi Karoly by October 26, 2007.

Cultural Resources

The Corps has consulted the latest published version of the National Register of Historic Places and is not aware that any registered properties, or properties listed as being eligible for inclusion therein are located within the project area or will be affected by the proposed work. Presently, unknown archeological, scientific, prehistoric, or historical data may be located within the project area and/or could be affected by the proposed work.

Endangered Species

The Corps has reviewed the project area, examined all information provided by the applicant and consulted the latest North Carolina Natural Heritage Database. Based on available information, the Corps has determined pursuant to the Endangered Species Act of 1973, that the proposed project will have no effect on federally listed endangered or threatened species or their formally designated critical habitat.

Evaluation

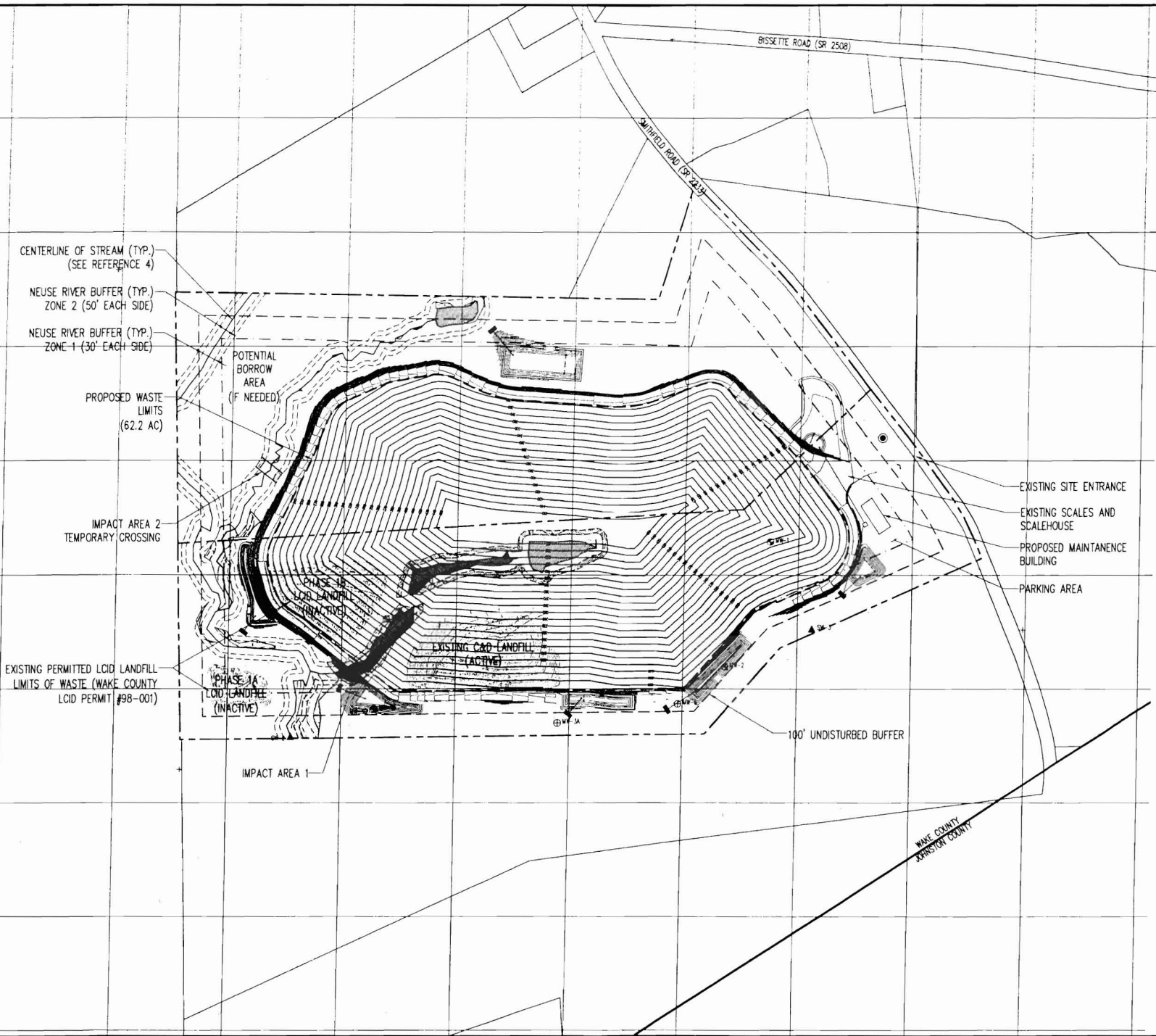
The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values (in accordance with Executive Order 11988), land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people. For activities involving the discharge of dredged or fill materials in waters of the United States, the evaluation of the impact of the activity on the public interest will include application of the Environmental Protection Agency's 404(b)(1) guidelines.

Commenting Information

The Corps is soliciting comments from the public; Federal, State and local agencies and officials; Indian Tribes and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment (EA) and/or an Environmental Impact Statement (EIS) pursuant to the National Environmental Policy Act (NEPA). Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Requests for a public hearing shall be granted, unless the District Engineer determines that the issues raised are insubstantial or there is otherwise no valid interest to be served by a hearing.

Written comments pertinent to the proposed work, as outlined above, will be received by the Corps of Engineers, Wilmington District, until 5pm, November 5, 2007. Comments should be submitted to Mr. Jamie Shern at 6508 Falls of Neuse Road, Suite 120, Raleigh, North Carolina 27615.



LEGEND

- EXISTING 10' CONTOUR (SEE REFERENCE 2)
- EXISTING 2' CONTOUR
- PROPERTY LINE (SURVEYED) (SEE REFERENCE 1)
- PROPERTY LINE (NOT SURVEYED) (SEE REFERENCE 1)
- STREAM/WATER BOUNDARY (SEE REFERENCE 4)
- 100' UNDISTURBED BUFFER (MEETS TYPE A REQUIREMENTS EXCEPT AS NOTED)
- 200' PROTECTED SOLID WASTE BUFFER
- EXISTING WASTE (LOD AND CAD)
- EW-2 EXISTING MONITORING WELL
- EW-3R PROPOSED MONITORING WELL
- SW-1 EXISTING SURFACE WATER MONITORING POINT
- ON-SITE NON-POTABLE WATER WELL
- DEGRADED WETLANDS (SEE REFERENCE 4)
- WATER BODY (SEE REFERENCE 4)
- WETLAND IMPACT AREA
- NEUSE RIVER BUFFER ZONE
- NEUSE RIVER BUFFER ZONE 1 IMPACT
- NEUSE RIVER BUFFER ZONE 2 IMPACT
- EXTENDED DRY DETENTION BASIN DRAINAGE AREAS
- LEVEL SPREADER
- JUNCTION BOX

NOTES

1. NO FEMA BOUNDARIES EXIST ON THIS MAP
2. NO WATER OR SEWER LINES EXIST WITHIN 100' OF PROPERTY LINE
3. THE SITE IS NOT IN A WATER SUPPLY WATERSHED
4. ALL PARCELS SHOWN ON THIS MAP ARE ZONED R-30

REFERENCES

1. PROPERTY LINE FROM SURVEY DATED NOVEMBER 19, 2005 BY SURVEYING SOLUTIONS, P.C. PROPERTY LINES NOT SURVEYED REFERENCE WAKE COUNTY GIS DEPT. GIS MAPPING FILES
2. OVERALL SITE BASE TOPOGRAPHY PROVIDED BY GEOSITA CORP., BASED ON AERIAL SURVEY DATED DECEMBER 13, 2005. ADDITIONAL FIELD SURVEYS IN ACTIVE AREAS FROM DATES 3/28/06, 7/08 BY BRENNAN LAND SURVEYING, 1/10/07 AND 3/13/07 BY BLACKBURN CONSULTING ENGINEERING. TOPOGRAPHY OUTSIDE OF AERIAL SURVEY LIMITS REFERENCES NCDDOT GIS DEPT. CONTOUR ELEVATION DATA DATED MARCH 2005.
3. COORDINATE SYSTEM IS STATE PLANE GRID (NAD 83)
4. WETLAND AND STREAM DELINEATION PERFORMED BY CAROLINA ECOSYSTEMS, INC. AND SURVEYED BY BLACKBURN CONSULTING ENGINEERING. U.S. ARMY CORPS OF ENGINEERS HAS FIELD INSPECTED THE DELINEATION AND VERIFICATION IS BEING REQUESTED WITH THIS PERMIT
5. INACTIVE LOD LANDFILL UNITS PREVIOUSLY OPERATED UNDER WAKE COUNTY SOLID WASTE PERMIT NO. 92-001 AND ARE IN THE PROCESS OF BEING CLOSED

